IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

APPEAL NO.675 OF 2006
IN
NOTICE OF MOTION NO.2721 OF 2006
IN
SUIT NO.2384 OF 2006

Jerome s/o. Barnard Lobo and others ..Appellants
v/s.
M/s. Tulsi Foundation and others .. Respondents

Ms. Sumedha Rao for the Appellants.

Ms. A. Wandrewala i/by M/s. P.M. & Mithi & Co. for the respondent Nos.1 and 2.

Mr. B.R. Jhaveri for the respondent No.3.

Mr. Milind More, Assistant Government Pleader for the respondent No.5.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 12TH SEPTEMBER, 2006.

P.C.

We heard the counsel for the appellant and perused the impugned order and various other orders passed in the notice of motion taken out in suit No.1133 of 2006 and the order in appeal.

2. We find ourselves in agreement with the view of the learned motion Judge that the reliefs prayed for in the notice of motion are substantially identical to the notice of motion taken out

by the appellant in the earlier suit No.1133 of 2006. As a matter of fact, the suit No.2384 of 2006 itself, prima facie, appears to us to be an abuse of the process of the court on the face of the earlier suit No.1133 of 2006 having been filed by the appellants.

3. All in all, no case for interference in the impugned order is made out. Appeal is dismissed in limine.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)